

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

RIMKUS CONSULTING GROUP, INC.	§	
Plaintiff	§	
	§	
v.	§	CIVIL ACTION NO. 4:07-cv-00405
	§	
NICKIE G. CAMMARATA,	§	
Defendant	§	

RIMKUS CONSULTING GROUP, INC.	§	
Plaintiff	§	
	§	
v.	§	CIVIL ACTION NO. 4:07-cv-0910
	§	
GARY BELL and U.S. FORENSIC, LLC	§	
Defendants	§	

PERMANENT INJUNCTION

BE IT REMEMBERED that the Court considered the agreement reached by the parties for the entry of a permanent injunction in partial settlement of the claims raised in these consolidated actions and based on the pleadings, the evidence the Court has heard during the course of these proceedings and the agreement of Gary Bell, Nickie G. Cammarata, U.S. Forensic, LLC and Rimkus Consulting Group, Inc. ("Rimkus"), the Court is of the opinion that Rimkus' request for a Permanent Injunction should be granted. The Court finds that Rimkus appeared through its various corporate officers and through its counsel of record; that Gary Bell appeared personally and through his counsel of record; that Nickie G. Cammarata appeared personally and through his counsel of record; and that U.S. Forensic, LLC., appeared through its managers, and through its counsel of record. The Court, after examining the record, finds that all necessary prerequisites of the law have been legally satisfied and that the Court has jurisdiction of this case and of all the parties. The Court further finds

that the parties waive the issuance and service of a writ of injunction upon them and that they agree that this Permanent Injunction is enforceable by contempt without formal service of a writ of injunction.

IT IS ORDERED that:

1. Gary Bell, Nickie G. Cammarata, William Janowsky, Michael DeHarde, J. Darren Balentine, U.S. Forensic, LLC, and U.S. Forensic Associates, LLC, are permanently enjoined from possessing or making any use of the Rimkus PowerPoint presentation generally known as "Roof Damages."
2. Gary Bell, Nickie G. Cammarata, William Janowsky, Michael DeHarde, J. Darren Balentine, U.S. Forensic, LLC, and U.S. Forensic Associates, LLC, are permanently enjoined from making any use of the Rimkus financial data that Gary Bell sent to the email address garybell@gmail.com and each of Gary Bell, Nickie G. Cammarata, and U.S. Forensic, LLC are mandatorily enjoined to destroy any and all versions and derivations of such data; and
3. Gary Bell, Nickie G. Cammarata, William Janowsky, Michael DeHarde, J. Darren Balentine, U.S. Forensic, LLC, and U.S. Forensic Associates, LLC are permanently enjoined from registering, or attempting to register, and from using the trademark Rimkus Consulting Group, Inc., and the domain name rimkusconsultinggroup.com.

IT IS FURTHER ORDERED that Nickie G. Cammarata is mandatorily enjoined to destroy all versions or derivations of the following documents, whether in electronic or paper format:

Katrina_drought.doc;
Ceramic floor tile failure.doc; and
Katrina wind_flood.doc;

and is permanently enjoined from making any use of the foregoing documents or permitting others to make any use of those documents.

IT IS FURTHER ORDERED that Nickie G. Cammarata is mandatorily enjoined to deliver Jeremy Hoffpaur, P.E. at Rimkus' office located at 3850 N. Causeway Blvd., Suite 1325, Metairie, LA 70002 by no later than 12:00 p.m., October 11, 2010 the following items:

The following documents, binders and folders (with all contents) produced at the September

16, 2009 Cammarata document production in the offices of Taggart, Morton consisting of documents bates numbered NCG 16045-18799, and:

BINDERS

1. Consulting Engineering Guide: A Guide for Engagement of Engineering Services (American Society of Civil Engineers).
2. DRI Conference (Rimkus)
3. Concrete and Roof Tile Design Criteria : Installation Manual for Moderate Climate Regions : By Roof Tile Institute and Western States Roofing Contractors Association
4. Commercial Roofs Damages Assessment – Haag Engineering
5. American National Standard – ASNI A10.18.-1996
6. American National Standard – ASNI Z359.1-1992 (R1999)
7. 1965 STANDARD BUILDING CODE (International Code Council)
8. 1991 Standard Building Code
9. Intentionally Omitted by the Parties
10. RS Means Repair and Remodeling Cost Data – 19th Annual Edition Commercial/Residential – 1998
11. Residential Construction Performance Guidelines For Professional Builders & Remodelers 2nd Edition – by NAHB 12. EXCAVATIONS – U.S. Department of Labor Occupational Safety and Health Administration – OSHA 2226 1995 (Revised).
13. SBCCI – 1997 Standard Building Code
14. American National Standards – for Tree Care Operations - Tree, Shrub and Other Woody Plant Maintenance – Standard Practices (Pruning).
15. American Society of Engineers, Practice No. 45 - Consulting Engineering: A Guide for Engagement of Engineering Services , Revised Edition.
16. Energy Efficient Building Association – Builders Guide - Mixed Humid Climates
17. ANSI/ASCE – 1990 , ANSI APPROVED August 1, 1991 – Guideline for Structural Condition Assessment of Existing Buildings
18. Intentionally Omitted by the Parties
19. Standard Building Code – 1976 Edition – SBCCI – Southern Building Code Congress International
20. American Society of Safety Engineers – American National Standard – Safety Requirements for workplace floor and wall openings, stairs and railings systems - (ANSI A1264-1995).
21. CECO Product Systems – Product Manual
22. Composition and Wood Roofs Damage Assessment – by Haag Engineering
23. Asphalt Composition Shingle Pictorial – Fifth Edition – by Haag Engineering
24. 1997 Standard Building Code – by SBCCI
25. National Property and Casualty Claims Research Center (NPCCRS) – Building Damage Estimator's Guide
26. SBCCI – Standard Plumbing Code - 1979 Edition
27. Louisiana Standard Specifications for Roads and Bridges – 2000 Edition
28. ANSI – American National Standard for: Residential Inground Swimming Pools – ANSI/NSPI -5 1995
29. ACSE 7-98 Standard – Minimum Design Leads for Buildings and Other Structures
30. 2001 Edition – Commentary - Wood Frame Construction Manual for One and Two Family Dwellings – American Wood Council

31. Hail-fall, Roofing, and Impact Testing by Haag Engineering
32. Southern Standard Building Code – 1965 Edition
33. SBCCI – Standard for Hurricane Resistant Residential Construction – SSTD 10-99
34. ANSI – American National Standard for: Arboricultural Operations – Pruning, Repairing, Maintaining, Removing Trees and Cutting Brush Safety Requirements - ANSI Z133.1-2000
35. American National Standard for Public Swimming Pools – ANSI/NSPI-1 1991
36. Wood ASCE – Material Evaluation Structural Condition Assessment - Existing Structures
37. Structural Steel and Fire, by F.M. Dill
38. ASCE 7 - New Wind Load Provisions of the 1998 Edition ASCE 7-98
39. Intentionally Omitted by the Parties
40. ASCE – Material Evaluation for Structural Condition Assessment of Existing Structures
41. ASTM Standards
42. Office Manual of The Office of State Fire Marshall
43. Intentionally Omitted by the Parties
44. ADA Accessibility Guidelines for Buildings and Facilities
45. Wind Effects/Sudden Damages vs. Maintenance (Haag Engineering)
46. Manufactured Home Construction and Safety – 24CFR 3280 2000
47. OSHA Construction Regulations for the Home Building Industry
48. Official Handbook of the Office of State Fire Marshall
49. Trenchless Technology
50. BLDG Under Pressure – Rain & Drainage Planes – Insulating Sheathings
51. ASHRAE Journal - Understanding Vapor Barriers – August 2004
52. Pile Driving Vibrations and Damage Control of Existing Structures - David Lapene
53. Noise Control
54. Louisiana State Sanitary Code
55. DuPont Tyvek Weatherization Systems - Architectural Reference Manual
56. Black Binder without label – contains information regarding Foundation Failures and presentations to Adjusters.
57. PAREX Incorporated – Exterior Insulation and Finish Systems
58. Pleko
59. Thoro System Products
60. Vapor Barrier & Moisture Barrier Systems & Products
61. Truss joist Pre-engineered Floor System - Sampson Strong Tie
62. Blasting Guidance Manual
63. Vulcraft
64. Building Envelope Technology – 2005 Symposium
65. ADAAG for Buildings and Facilities, September 2002
66. ANSI A117.1 1980
67. Amendments to Standard Plumbing 1976 revision to 1975
68. Asbesto2
69. Intentionally Omitted by the Parties
70. Piling Screw-Type
71. Metal Roofing – Berridge
72. E.I.F.S - Exterior Insulation & Finish Systems
73. Construction Vibrations Seminar – June 2003 Houston, TX
74. The NRCA Roofing and Waterproofing Manual
75. OSHA Ladders & Stairs

76. Hail Asbestos Roofing Other
77. Moisture Source – Interior Moisture Sources in Residential Construction by Jeffrey H. Peters – Rimkus
78. ICC / ASNI A117.1-1998
79. Intentionally Omitted by the Parties
80. Handbook of Construction Tolerances – Kent Ballast (Mazur Deposition Exhibit #215)
81. New Wind Load Provisions ASCE 7-98
82. NFPA Code for Safety to Life – 1988 Edition
83. LA Administrative Code Title 55 Public Safety
84. ASHRAE
85. Poly Processing
86. Pavestone Co. - Modular Concrete Beauty
87. 2001 LCA Educational Conference & Exposition May 30 – June 1, 2001 – Contains Foundation Failures presentation outlines and information.
88. Anchor Walls Systems Technical Manual
89. Using Gypsum Board for Walls & Ceilings
90. Manilla folder entitled “Cast Iron Plumbing Analysis Reports”. Contains 4 reports dating to 1997.
91. Copy of Construction Mold Seminar.
92. Copy of Cammarata deposition from file 74741.
93. Rimkus engagement letter from Bell to Irpino dated 8/11/2004. Case was Baxter v. Percy Howard and Frazier-Keifer Housing Development.
94. Cammarata resume.
95. Rimkus New Orleans Open File Status Report from 3/23/04.
96. December 13, 2003, Rimkus marketing memo concerning attendees at The Owners Construction Superconference.
97. “Residential Property Evaluations” to State Farm Insurance Company
98. “Foundation Failures” RCG Presentation to Trinity Universal dated November 5, 1997.
99. “Steep Slope Roofing” presentation to State Farm University dated Feb. 28, 1996.
100. “Roof Damage” presentation to State Farm Insurance Company.
101. “Low Slope Roofing” presentation to State Farm Insurance.
102. “Plumbing Systems” presentation for Trinity Universal.
103. Plumbing – Leak Detection
104. Cast Iron Pipe Deterioration
105. Plastics
106. BUR/Lab test by Haag Engr
107. Roofing Metal
108. Roofing Clay tile Spanish
109. Roof/ Membrane type epdm, mod. Bitumen, bur
110. Roof Consultants Institute application for Cammarata
111. Pavestone material
112. AIA document A201-1997
113. Heavy Equipment Literature
114. Building Science
115. Caustic Soda
116. Candles, Soot, Other
117. Residential Steel Construction
118. Wood Flooring

- 119. Roof Consultants Institute material
- 120. Roofing Firefree Steep Slope (marked for copying)
- 121. Best Building Practices (marked for copying) (Joseph Lstiburek, May 17, 2006, Lafayette, LA)
- 122. Roofing Umpire.Candidates
- 123. Bruner Mallet Roofing Co.
- 124. RCG DRI presentation on Roofing. (Copied)


FOLDERS

- 125. Folders containing reference material on hurricane winds and earthquakes.
- 126. Flooring Ceramic Tile – contains several emails from Bill Mazur regarding the flooring at an ice cream plant, Good Humor - Breyers file in Las Vegas. Emails are dated around June 21-25, 2001.
- 127. Timber Construction GLU-LAM
- 128. Foundations “Defining Foundation Failure” K.T. Meyer
- 129. Pools
- 130. folder on Weather Resistive Barriers
- 131. US Bureau of Mines RI 8507 RI 8485
- 132. Vieux Carre roofing policy
- 133. FEMA base flood elevation
- 134. Geotechnical Investigations Reports (no RCG reports. Just reports from MS department of transportation)
- 135. Explosion damage
- 136. Estimated Costs 2/23/99
- 137. Alpha Testing and Inspection, Inc. – RCG file 73116;
- 138. Roof Masters 5/20/98 estimate.
- 139. Trees - How they can affect footings
- 140. PTI - Foundation Design on Expansive Soils 11.5.99
- 141. Foundations - Texas State Board Recommendations Residential Foundations
- 142. Foundations – Settlement from Pile Driving in Sands
- 143. Code of Ordinance City of Kenner
- 144. Concrete – Fire Endurance “Damage”
- 145. Code of Ordinances Baton Rouge
- 146. CompuLevel
- 147. Concrete Technology Today PCA Publication
- 148. Cranes & Derricks, Leads and Static, Wind Dynamics
- 149. Post-Tensioning Institute Foundation Performance Association binder from 11/5/1999
- 150. Walls/Curtain Wall
- 151. Foundation - Repair, Screw Piles, Contractors, Under Pinning
- 152. Slip and Fall Info
- 153. Slip & Fall Published Articles
- 154. Sheet Pile Wall Anchored

IT IS FURTHER ORDERED that to the extent Mr. Cammarata no longer possesses item numbers 3, 4, 8, 15, 17, 51, 85, 93, 95, 96, 125, 134, 137, 138, and 149 from the foregoing list, he shall prepare and execute a sworn affidavit attesting to the fact that Cammarata is no longer in possession of those items, that he has not transmitted those items to any other person or entity, specifically including Gary Bell, Michael DeHarde, William Janowsky, J. Darren Balentine or U.S. Forensic, L.L.C. or U.S. Forensic Associates, L.L.C., and that he has destroyed the listed items.

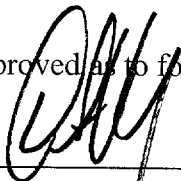
IT IS FURTHER ORDERED that because the parties waived the issuance and service of a writ of injunction, this Permanent Injunction is effective upon it being served on the parties' attorneys through the Electronic Case Filing System.

SIGNED on November 2, 2010.

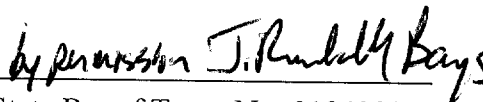


THE HONORABLE LEE H. ROSENTHAL,
UNITED STATES DISTRICT COURT JUDGE

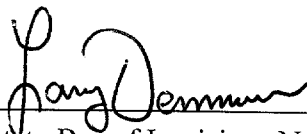
Approved as to form and substance and entry requested:



State Bar of Texas No. 00785177
Southern District No. 15370
ATTORNEY FOR RIMKUS
CONSULTING GROUP, INC.



State Bar of Texas No. 01943900
Southern District No. 13169
ATTORNEY FOR RIMKUS
CONSULTING GROUP, INC.



State Bar of Louisiana No. 24376
ATTORNEY FOR GARY BELL,
NICKIE G. CAMMARATA AND
U.S. FORENSIC, LLC